

### Remarks

Claims 1-20 are pending in this application. Applicants have added claims 12-20. The examiner has rejected claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0237018 to Baba.

#### **A. Baba Does Not Anticipate Independent Claims 1, 7, and 14**

The Examiner has rejected independent claims 1 and 7 as being anticipated by Baba. However, for a claim to be rejected under 35 U.S.C. § 102(e), all of the claim limitations must be taught by the reference. In this case, Baba does not teach, either expressly or inherently, transferring a transaction queue from a first server to a second server, as required by independent claim 1. Additionally, Baba does not teach, either expressly or inherently, copying a transaction queue from a first server to a shared storage device or transferring a transaction queue from a shared storage device to a second server, all of which are required elements of independent claim 7. Finally, Baba does not teach, either expressly or inherently, transferring a transaction queue from a first server to the remaining servers of the cluster, as required by independent claim 14.

First, Baba does not teach “transferring a transaction queue from the first server to a second server of the two or more servers,” as required by independent claim 1. The Examiner points to paragraph [0053] of Baba as teaching this element. Paragraph [0053] of Baba discusses maintaining “transaction queue consistency between the active queue and the stand-by queue.” However, this does not teach that the transaction *queue itself* is transferred from the first server to a second server. Paragraph [0052] clarifies that in the invention of Baba, the stand-by computer sniffs all packets on the client and AP server layers of the network in Baba, and in specific circumstances, “will en-queue and de-queue these transactions from a stand-by queue in a way

similar to the active computer.” ([0052], lines 11-13) In paragraph [0026], Baba reiterates that the stand-by computer captures packets to either en-queue or de-queue in the stand-by queue. ([0026], lines 11-14) This is not the same as transferring the transaction *queue* of the first server to a second server. Additionally, it should be noted that the second server in Baba is a stand-by server, with a stand-by queue which is “preferably identical to the active queue before failure.” (Baba, [0025], lines 11-13) The present application involves servers in a cluster and is not limited to the case in which servers (and their transaction queues) are synchronized, or identical, to a first server and its transaction queue. This allows for flexibility, efficiency, and scalability in that multiple servers on the cluster have broader functions than being identical backups for a first or main server.

Second, Baba does not teach “copying a transaction queue from a first of the two or more servers to a shared storage device,” or “transferring the transaction queue from the shared storage device to a second server of the two or more servers,” as required by independent claim 7. The Examiner points again to paragraph [0053] as teaching these elements. For reasons similar to those stated above, paragraph [0053] of Baba does not teach transferring a transaction *queue itself*, either to or from a shared storage device and either from or to a second server. Additionally, no mention is made in the cited portion of Baba of generally *copying* a transaction queue itself, nor specifically from a first server to a shared storage device.

Finally, for reasons similar to those stated above, Baba does not teach “transferring a transaction queue from the first server to the remaining servers of the two or more servers,” as required by independent claim 14. Because Baba does not teach all of the elements of independent claims 1, 7, and 14, Baba does not anticipate these claims. Applicants

respectfully request that the rejection of these claims be withdrawn and that these claims be passed to issuance.

**B. Dependent Claims**

Dependent claims 2-6, 8-13, and 15-20 will not be discussed herein, as they depend from otherwise allowable base claims.

**Conclusion**

Applicants respectfully submit that pending claims 1-20 are allowable and should be passed to issuance.

Respectfully submitted,



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